

### **IC 4-3-3**

## **Chapter 3. Pensions for Former Governors and Surviving Spouses**

### **IC 4-3-3-1**

#### **Repealed**

*(Repealed by Acts 1980, P.L.9, SEC.5.)*

### **IC 4-3-3-1.1**

#### **Retirement benefit of governor; eligibility; elections; limitations; payment**

Sec. 1.1. (a) An individual who holds the office of governor for any length of time during one (1) term of that office is entitled to receive an annual retirement benefit under subsection (e). However, an individual who succeeds to the office of governor without being elected is not entitled to an annual retirement benefit under this section unless such person serves for more than one (1) year of the term of the office.

(b) An individual who holds the office of governor for any length of time during each of two (2) separate terms of that office is entitled to receive an annual retirement benefit under subsection (f).

(c) If an individual who holds the office of governor resigns or is removed from office, during a term of that office, for any reason except a mental or physical disability that renders the individual unable to discharge the powers and duties of the office, then the term during which the individual resigned or was removed may not be considered for determining the individual's annual retirement benefit under this section.

(d) The retirement benefit shall be paid in equal monthly installments by the treasurer of state on warrant of the auditor of state after a claim has been made for the retirement benefit to the auditor by the governor or a person acting on the governor's behalf. A governor shall choose the date on which the governor will begin receiving the governor's retirement benefit. However, the date must be the first state employee payday of a month. A governor may not receive the retirement benefit as long as the governor holds an elective position with any federal, state, or local governmental unit, and the governor may not receive the retirement benefit until the governor has reached at least age sixty-two (62) years. The governor's choice of initial benefit payment date and the governor's choice of benefit payment amount under subsections (e) and (f) are revocable until the governor receives the first monthly installment of the governor's retirement benefit. After that installment is received, the choice of date and the choice of amount are irrevocable.

(e) With respect to a governor who is entitled to a retirement benefit under subsection (a):

(1) if the governor chooses to begin receiving the governor's retirement benefit on or after the date the governor reaches age sixty-two (62) years but before the governor reaches age sixty-five (65) years, the governor may choose to receive:

- (A) the retirement benefits the governor is entitled to, if any, from the public employees' retirement fund; or
    - (B) thirty percent (30%) of the governor's annual salary set in IC 4-2-1-1 for the remainder of the governor's life; or
  - (2) if the governor chooses to begin receiving the governor's retirement benefit on or after the date the governor reaches age sixty-five (65) years, the governor may choose to receive:
    - (A) the retirement benefits the governor is entitled to, if any, from the public employees' retirement fund; or
    - (B) forty percent (40%) of the governor's annual salary set in IC 4-2-1-1 for the remainder of the governor's life.
  - (f) With respect to a governor who is entitled to a retirement benefit under subsection (b):
    - (1) if the governor chooses to begin receiving the governor's retirement benefit on or after the date the governor reaches age sixty-two (62) years but before the governor reaches age sixty-five (65) years, the governor may choose to receive:
      - (A) the retirement benefits the governor is entitled to, if any, from the public employees' retirement fund; or
      - (B) forty percent (40%) of the governor's annual salary set in IC 4-2-1-1 for the remainder of the governor's life; or
    - (2) if the governor chooses to begin receiving the governor's retirement benefit on or after the date the governor reaches age sixty-five (65) years, the governor may choose to receive:
      - (A) the retirement benefits the governor is entitled to, if any, from the public employees' retirement fund; or
      - (B) fifty percent (50%) of the governor's annual salary set in IC 4-2-1-1 for the remainder of the governor's life.
- As added by Acts 1980, P.L.9, SEC.1. Amended by P.L.6-1996, SEC.1; P.L.22-1998, SEC.1; P.L.13-2013, SEC.4.*

#### **IC 4-3-3-2**

##### **Pension of surviving spouse; election; limitations; payment**

Sec. 2. (a) The surviving spouse of each individual who:

- (1) serves as governor; and
- (2) is entitled to a retirement benefit under section 1.1 of this chapter;

is entitled to an annual pension.

(b) The pension to which a governor's surviving spouse is entitled under this section shall be paid in equal monthly installments by the treasurer of state on warrant of the auditor of state after a claim has been made for the pension to the auditor by:

- (1) the surviving spouse; or
- (2) a person acting on behalf of the surviving spouse.

(c) The annual pension to which a governor's surviving spouse is entitled under this section is equal to the following:

- (1) For the surviving spouse of a governor who died before July 1, 1998, the greater of:
  - (A) the annual retirement benefit received by the surviving spouse during the year beginning July 1, 1998; or

(B) ten thousand dollars (\$10,000).

(2) For the surviving spouse of a governor who dies after June 30, 1998, the greater of:

(A) fifty percent (50%) of the annual retirement benefit that the governor to whom the surviving spouse was married was receiving or was entitled to receive on the date of the governor's death; or

(B) ten thousand dollars (\$10,000).

(d) The surviving spouse of a governor must make the election required under subsection (c)(1) or (c)(2). Once a surviving spouse has received any pension payment under this section, the election is irrevocable.

(e) A governor's surviving spouse is entitled to receive the pension provided under this section for life unless the surviving spouse remarries.

(f) Notwithstanding any other law to the contrary, the pension provided under this section is in addition to any other retirement benefits a governor's surviving spouse is entitled to receive.

*As added by Acts 1980, P.L.9, SEC.2. Amended by P.L.195-1999, SEC.6; P.L.97-2004, SEC.13.*

### **IC 4-3-3-3**

#### **Application of chapter**

Sec. 3. This chapter applies to any governor of Indiana regardless of whether his service occurred before, on, or after January 14, 1981, and to the surviving spouse of any such governor.

*As added by Acts 1980, P.L.9, SEC.3.*